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Attorneys for Defendants
E.P. ARCHITECTURAL BUILDERS, INC. and DAVID
POTENZA

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

BRENDAN O TUAIRISG WATERS,
Plaintiff,
v.
E.P. ARCHITECTURAL BUILDERS,
INC. and DAVID POTENZA,
Defendants.

No. CV10-03193 LB

**STIPULATION AND ~~PROPOSED~~
ORDER RE: 60 DAY CONTINUANCE OF
CASE MANAGEMENT CONFERENCE
AND ENLARGEMENT OF TIME FOR
DEFENDANTS TO RESPOND TO
COMPLAINT**

Action Filed: July 20, 2010
Trial Date: Not Set

1 Pursuant to Local Rule 6-1, Plaintiff BRENDAN O TUAIRISG WATERS and
2 Defendants E.P. ARCHITECTURAL BUILDERS, INC. and DAVID POTENZA, by and
3 through their respective attorneys of record, Tomas Margain of DAL BON &
4 MARGAIN, APC and Christina Luini of Hanson Bridgett LLP, hereby state, agree and
5 stipulate as follows:

6 1. Defendants were served with the Summons and Complaint in this
7 action on September 11, 2010.

8 2. Counsel for Defendants were retained in late September 2010.

9 3. The Parties stipulate to a 60-day continuance of the initial case
10 management conference, currently set for November 4, 2010. The Parties agree this
11 continuance is in the best interests of the Parties because it will allow them time to
12 engage in settlement negotiations prior to incurring unnecessary attorneys' fees and
13 costs that could impede the settlement of this action.

14 4. The Parties stipulate to a 60-day enlargement of time for Defendants
15 to file a response to the Complaint. The Parties agree this continuance is in the best
16 interests of the Parties because it will allow them time to engage in settlement
17 negotiations prior to incurring unnecessary attorneys' fees and costs that could impede
18 the settlement of this action. If unable to resolve this matter, Defendants' response to the
19 Complaint will be due on or before December 31, 2010.

20 5. This is the second continuance the Parties have stipulated to in this
21 matter. The Parties first stipulated to an initial 30-day continuance of the Defendants'
22 time to file a response to the Complaint.

23 6. The Parties' agreement to enlarge Defendants' time to respond to
24 the Complaint and continue the Case Management Conference will not alter the date of
25 any other events or any deadlines already fixed by Court order.

26 7. From Plaintiff's perspective good cause exists for this request.
27 Counsel have met face to face to go over the pay records and bank records in Plaintiff's
28 possession. They also reviewed an audit prepared by Defendant prior to the filing of

1 this lawsuit. A continuance will allow the parties to get documents from third party
2 institutions, payroll provider and banks, clarify some accounting issues flagged to then
3 engage in formal settlement talks. If the matter does not settle, the parties would then
4 use a neutral through the Court's ADR department.

5
6 **IT IS SO STIPULATED THROUGH COUNSEL OF RECORD.**

7
8 DATED: October 28, 2010

HANSON BRIDGETT LLP

9 By: /s/ Christina Luini

CHRISTINA LUINI

Attorneys for Defendants

E.P. ARCHITECTURAL BUILDERS,
INC. and DAVID POTENZA

10
11
12 DATED: October 28, 2010

DAL BON & MARGAIN, APC

13
14 /s/ Tomas E. Margain

JAMES DAL BON

TOMAS E. MARGAIN

Attorneys for Plaintiff

BRENDAN O TUAIRISG WATERS

1 PURSUANT TO STIPULATION, AND FOR GOOD CAUSE SHOWN THE COURT
2 ORDERS AS FOLLOWS.

3 The initial case management Conference is Continued to January 13 2011 at 1:30
4 p.m.

5 The parties shall file a Joint Case management Statement which also updates the
6 Court on the status of ADR proceedings. The Joint Case Management Statement shall be
7 filed no later than January 6, 2011.

8
9 DATED: October 29, 2010

10 By: _____

11 LAUREL BEELER
12 United States Magistrate Judge

